

ENTERED

October 07, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

ARCH INSURANCE CO.,**Plaintiff,****v.****EP ENERGY E&P CO. LP, et al.,****Defendants.**

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CIVIL ACTION NO. 5:24-CV-114

ORDER

Before the Court is the Stipulation of Dismissal as to Defendants FTS International, Inc. and FTS International Services, LLC. (Dkt. No. 29). The stipulation provides that Plaintiff Arch Insurance Co. dismisses its claims against Defendants FTS International, Inc. and FTS International Services, LLC without prejudice. (*Id.*).

Parties in a civil suit may generally dismiss the suit without a court order upon the filing of a stipulation of dismissal “signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). “Unless the notice or stipulation states otherwise, the dismissal is without prejudice.” *Id.* A plaintiff may dismiss one defendant out of several, while maintaining the action as to the remaining defendants. *See Williams v. Seidenbach*, 958 F.3d 341, 344–45 (5th Cir. 2020). “Rule 41(a) permits a plaintiff to dismiss just one defendant, even though the action against another defendant would remain pending.” *Nat’l City Golf Fin. v. Scott*, 899 F.3d 412, 415 n.3 (5th Cir. 2018) (quoting *Plains Growers ex rel. Florists’ Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc.*, 474 F.2d 250, 253 (5th Cir.1973)). Here, the Stipulation states that Plaintiff dismisses its claims against Defendants FTS International, Inc. and FTS International Services, LLC without prejudice. (Dkt. No. 29 at 1).

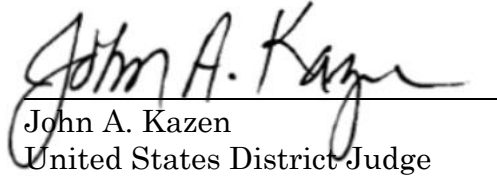
Because the stipulation is signed by counsel for Plaintiff and Defendants FTS International, Inc. and FTS International Services, LLC, Plaintiff’s claims against Defendants FTS International, Inc. and FTS International Services, LLC were **DISMISSED WITHOUT PREJUDICE** effective upon the filing of the Stipulation of Dismissal, (Dkt. No. 29). *See Odle v. Flores*, 899 F.3d 344, 353–55 (5th Cir. 2017)

("[S]tipulated dismissals under Rule 41(a)(1)(A) . . . become effective immediately without further court order.").

The Clerk is hereby **ORDERED** to terminate the case as to Defendants FTS International, Inc. and FTS International Services, LLC.

It is so **ORDERED**.

SIGNED on October 7, 2024.


John A. Kazen
United States District Judge